

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-CR-279

DANIEL G. WEBSTER, JR.,

Defendant.

ORDER

This matter comes before me on the defendant's *pro se* "Motion to Invoke Federal Jurisdiction and Custody of Defendant." Defendant was convicted of assault with a dangerous weapon on Indian lands contrary to 18 U.S.C. §§ 113(a)(3), 1153 and 2. On August 27, 2004, I imposed a sentence of sixty months which was to be served partially concurrent with the state sentence the defendant was then serving. Only twenty-four months of the sixty-month sentence was to be served consecutively to the state sentence. In his *pro se* motion, the defendant complains that his federal sentence will not commence to run until he is in federal custody. He is concerned that he will be required to serve the entire sixty-month sentence in federal prison once he completes his state sentence.

I conclude that the defendant's motion is premature. Notwithstanding the records on which he relies, there is no reason to believe that the Bureau of Prisons will not comply with this court's clear and specific directions contained in the Judgment of Conviction. The Judgment unequivocally states that the defendant's sixty-month sentence is partially consecutive and partially concurrent.

It further states clearly that only twenty-four months of the sixty-months is to be served consecutive to the state sentence. Based upon the clear directions contained in the Judgment of Conviction, there is no reason to believe that the Bureau of Prisons will fail to properly credit the defendant with the time spent in state custody. In the event, however, that the Bureau of Prisons does error, the defendant is free to renew his motion at that time. Because the defendant is not entitled to relief at this time, his motion is denied.

SO ORDERED.

Dated this 5th day of August, 2005.

s/ William C. Griesbach
William C. Griesbach
United States District Judge